

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 20, 1999**

**DIVISION TWO**

Court convened at 9:15 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

Each of the following:

B122228 People v. Gonzales  
B121168 People v. Hardy  
B114648 People v. Beltram  
B120380 People v. Guerrero  
B122619 People v. Henderson  
B119168 People v. Scott  
B116949 People v. Ball  
B125568 People v. Contreras  
B119208 People v. Anderson  
B123840 Matter of Cherry W.  
B121811 People v. Jones  
B118347 People v. Castaneda  
B120361 People v. McClelland  
B124950 People v. Manuel P.  
B119121 People v. Lee  
B120539 People v. Stewart  
B123985 People v. Essie S.  
B121068 People v. Mazurette  
B121364 People v. Garcia  
B119272 Altwiji v. Chesler  
B129823 Bridget B. v. S.C.L.A.  
B121725 People v. James B.  
B118286 Brown v. Craft

DIVISION TWO (Continued)

Each of the following (cont.):

B129678 Maria P. v. S.C. L.A.  
B121936 People v. Mirance  
B122965 People v. Scott  
B118865 People v. Murphy  
B120203 People v. St. John  
B121768 Yovev v. Calif. Fair Plan  
B121304 People v. Varnam

Argument waived, cause submitted.

B122792     Whittington  
              v.  
              Mirage Car Wash

Merits:

Argued by Pierpont Laidley for appellant and by Garth Goldberg for respondent. Cause submitted.

B122690     Nichols  
              v.  
              County of L.A.

Merits:

Argued by Alton Leib for appellant and by Roger Whitby for respondent. Cause submitted.

B119184     McConnell  
              v.  
              Ruggieri

Merits:

Argued by Michal Bassin for appellant and by Charles Cummings for respondent. Cause submitted.

DIVISION TWO (Continued)

B120954     Optiplast Inc.  
               v.  
               Ross Stores Inc.

Merits:  
Argued by Gary Gitlin for appellant and by Kathryn Fritz for respondent.  
Cause submitted.

B116540     Bogle-Lewis  
               v.  
               Turner

Merits:  
Argued by Judith Williams for appellant and by Scott Silverman for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B108954     Tchakmakjian  
               v.  
               Baltakian

Merits:  
Argued by Christopher Overgaard for appellant. No appearance on behalf of respondent. Cause submitted.

B119319     People  
               v.  
               Wanhainen

Merits:  
Argued by Deborah Dentler for appellant and by Richard Cullather, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B127909     Farmers Insurance Exchange  
              v.  
              Drum, et al.

Merits:  
Argued by Joel Drum, in propria persona for appellant and by Christopher Ruiz for respondent. Cause submitted.

B117547     Karifa Capital Corp.  
              v.  
              Silbert

Merits:  
Argued by David Gernsbacher for appellant and by Gary Kuetz for respondent. Cause submitted.

B114899     People  
              v.  
              Tindall

Merits:  
Argued by Barry Post for appellant and by Mitchell Keiter, Deputy Attorney General for respondent. Cause submitted.

B115733     Martin  
              v.  
              Regan

Merits:  
Argued by Harold Greensberg for appellant and by Roy Weatherup for respondent. Cause submitted.

DIVISION TWO (Continued)

B127107     Auguster  
              v.  
              Workers Compensation  
              (Liberty Mutual Fire Insurance)

Merits:  
Argued by Stanley for petitioner and by Timothy Huber for respondent  
Liberty Mutual. Cause submitted.

Court adjourned.

B127410     Autry H., Jr.                                 (Not for Publication)  
              v.  
              Superior Court, Los Angeles County  
              (L.A. County Dept of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied and the order to show cause is  
dismissed.

Boren, P.J.

We concur:   Nott, J.  
                  Mallano, J. (Assigned)

B126585     David M.                                         (Not for Publication)  
              v.  
              Superior Court, Los Angeles County  
              (L.A. County Dept. of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is  
dismissed.

Zebrowski, J.

We concur:   Boren, P.J.  
                  Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B127725            Andrea H.                                 (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Dept. of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.  
Mallano, J. (Assigned)

B122361 People (Not for Publication)  
v.  
Khanh H.

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B126230 People (Not for Publication)  
v.  
Joseph O.

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

April 20, 1999-Continued

## DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION THREE

B121447 California School Employees  
Assoc. et al. (Not for Publication)  
v.  
Long Beach Community College District

The denial of petition to compel arbitration is affirmed. District is awarded costs on appeal. District's request for sanctions is denied.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FOUR (Continued)

B124678      Gasaway, et al.                      (Not for Publication)  
                 v.  
                 Cal Coast Mortgage Corporation

The appeal is dismissed. Attorney fees as costs on appeal are awarded to respondents and against appellant and its counsel of record in the amount of \$10,367.50 as and for a civil penalty. Respondents also are to recover any other costs on appeal. A copy of this opinion will be forwarded to the State Bar when the matter becomes final.

Hastings, J.

We concur: Epstein, Acting P.J.  
                 Curry, J.

B128892      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 David L.

The petition for writ of mandate is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24 (d).).

Curry, J.

We concur: Epstein, Acting P.J.  
                 Hastings, J.

B113951      People                                      (Not for Publication)  
                 v.  
                 Garibay

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
                 Curry, J.



DIVISION FOUR (Continued)

B121952 People (Not for Publication)  
v.  
Tinner

For the foregoing reasons, the judgment is modified to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accord with this modification.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FIVE

B121043      People                                  (Not for Publication)  
v.  
Henry Murray, Jr.

Upon issuance of the remittitur the superior court clerk is directed to issue an amended abstract of judgment which correctly reflects the restitution fine and other sentences imposed and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

B117433      Vadim Gevel et al.      (Not for Publication)  
v.  
Boris Chacham et al.

The appeal is dismissed. Plaintiffs, Vadim and Nina Gevel, shall recover their costs on appeal from defendants, Boris and Raisa Chacham.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

April 20, 1999-Continued

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

B116675 Edward E. Kellman et al. (Not for Publication)  
v.  
Parkside Village Homeowners Association

The order under review is affirmed. Defendant, Parkside Village Homeowners Association, shall recover its costs on appeal from plaintiff, Edward E. and Dorene Kellman.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION SIX

B118911      Chastain, et al.      (Not for Publication)  
v.  
Sorg

The judgment is affirmed. Chastain is awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

April 20, 1999-Continued

DIVISION SIX (Continued)

[illegible]

The order is affirmed. Appellant shall bear costs of appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Burke, J. (Assigned)

B121787      Mortilla      (Not for Publication)  
v.  
Regents of The University of California, Santa Barbara, et al.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.

B123871      SLO Co. Dept. of Social Services      (Not for Publication)  
v.  
Paula R.

The orders are affirmed.

Burke, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                         Yegan, J.

April 20, 1999-Continued

## DIVISION SIX (Continued)

[illegible]

The abstract of judgment is amended to delete the order to pay \$1,456.67 to the Ventura County Fire Protection District. In all other respects the judgment is affirmed.

Burke, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

B124774 People (Not for Publication)  
v.  
Doctolero

The judgment is modified to remove the provision requiring Doctolero to pay for the cost of his extradition. In all other respects the judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Burke, J. (Assigned)

[illegible]

The judgment (order) is affirmed. Costs on appeal are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Burke, J. (Assigned)

## DIVISION SIX (Continued)

[illegible]

The judgment is modified to include a \$5,000 restitution fine pursuant to section 1202.4, subdivision (b), in addition to the \$5,000 suspended restitution fine imposed pursuant to section 1202.45. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the foregoing to be forwarded to the Department of Corrections.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.

B126830 People (Not for Publication)  
v.  
Bravot

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

## DIVISION SEVEN

B118174      Delia  
v.  
Chiok, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)